

United States Senate
WASHINGTON, DC 20510

April 22, 2020

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Pai:

The COVID-19 pandemic has brought the reality of our digital divide to the front steps of thousands of students who can't do their homework, business owners that can't pay their bills, and seniors that can't check their medical records due to the lack of reliable broadband service. This crisis has accelerated the need for high-speed broadband for everyone and has further revealed how rural communities like ours are being left behind. Unfortunately, absent major changes, your draft Notice of Proposed Rule Making (NPRM) and order for the 5G Fund Auction (GN Docket No. 20-32) will leave millions of people behind if you conduct an auction that relies on old, outdated coverage data to determine who can and cannot participate. Earlier this year, Congress unanimously passed and the President signed into law the Broadband DATA Act (P.L. 116-130) that establishes clear, concise guidelines for updating our nation's mobile broadband maps. These commonsense, bipartisan reforms can be and must be implemented before the 5G Fund Auction, before our nation's subsidies for mobile broadband service are locked in for the next 10 years.

In your NPRM and order, you sought comment on the value of prioritizing funding for rural areas currently lacking reliable 4G and even 3G service. You also sought comment on ways to prioritize funding for areas with difficult terrain where it is significantly more expensive to build and maintain broadband infrastructure. We appreciate your acknowledgement of these unique challenges many of our rural communities face and strongly support the inclusion of these provisions in the final report and order. However, until the underlying maps are updated to reflect real world data with a user-friendly challenge process, there is no way this program can successfully identify and serve the people and the places that need it most. We urge you to prioritize the implementation of the mobile mapping provisions in the Broadband DATA Act so that the proposed \$8 billion in Phase I support can be distributed in a manner that is consistent with Congressional intent. Failure to do so will prevent these commonsense bipartisan reforms from impacting Universal Service Funding for mobile broadband until 2031 at the earliest. We assure you that that was not our intent.

Further, completing the new mapping process for mobile service mandated in the Broadband DATA Act prior to conducting an auction need not insert excessive delay into the timeline. As you noted in testimony before the Committee on Appropriations last month, getting new maps is “an issue of months not years.”

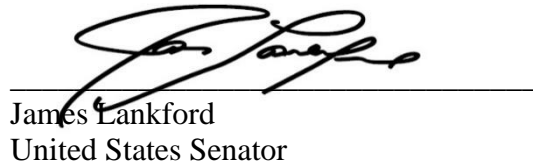
The data collection process required by the Broadband DATA Act is consistent with the efforts undertaken by the Federal Communications Commission (FCC) in the Mobility Fund Phase II (MFII) proceeding, with updates to use more precise parameters for the data collection. As those initiatives were completed without any new funding or reprogramming authority from Congress, we did not anticipate new funding requests associated with the implementation of these provisions prior to the 5G Fund Auction, but we stand ready to do whatever we can to help. If the FCC requires any additional funding or reprogramming authority to successfully implement the mobile broadband mapping provisions from the Broadband DATA Act before the initiation of the 5G Fund Auction, we urge you to submit them to the Senate Committee on Appropriations and the Subcommittee on Financial Services and General Government no later than April 30, 2020 so that they may be considered in the Fiscal Year 2021 appropriations process or sooner.

Earlier this year, Congress came together – Democrats and Republicans – to pass the Broadband DATA Act without a single dissenting vote because we recognize that affordable, reliable broadband service is an issue facing all Americans. We can never deliver on the promise of Universal Service without accurate broadband coverage maps. We do not have to choose between updated coverage maps and the deployment of the next generation of mobile broadband support. We can do both. We must do both.

Sincerely,



Joe Manchin III
United States Senator



James Lankford
United States Senator



Jon Tester
United States Senator



Cindy Hyde-Smith
United States Senator

cc: Commissioner Michael O'Rielly
Commissioner Brendan Carr
Commissioner Jessica Rosenworcel
Commissioner Geoffrey Starks